

10  
(11)  
3

*The Honour and Impartiality of the House of Commons, set forth in the  
Case of Sir William Wyndham.* K

**I**T is not to be denied, but that the Liberty of the *English* depends chiefly, if not solely, upon the House of Commons, who being the Representatives of the People, ought therefore to be the Guardians of their Liberties. To this end every Member of that House hath a right to Speak his Sense of Things, relating to the Publick, with all freedom; in the worst of Times that hath never, that I know of, been denied (unless you will except those Days when *Oliver Cromwell* kept his Lump Parliament in due Order;) and when *Rich* invaded, whether by Red-Coats within, or by Red-Coats without Doors, our Constitution seems pretty near its Setting; and all that remains is for the Friends to *England* to stand it out as long as they can, and then to make as decent an *Exit* as their Enemies will afford them.

Considering the Passions and Interests of Mankind, the Places and Pensions from Court, and the late Methods practised at Elections, an uncorrupted Parliament was no more to be expected than an uncorrupted Court. Neither on the other hand was it to be imagined that any Tribe of Men, who have the Honour to sit in Parliament, should fall foul upon a Member of their own House, bait him for several Hours together, threaten him with Expulsion, the Tower, and God knows what, and all for his only saying he thought a Proclamation *Dangerous*; As if a Man might as well commit Treason as speak against a Paper that hath *G. R.* at the Top, and *T* at the Bottom.

Whether the Proclamation be *Dangerous* or not, doth not as yet appear to that House, because the Gentleman, who used the Expression, was not allowed an Opportunity to give his Reasons for it, but, on the contrary, was Censur'd for what he said; and is represented by the Scriblers of *London* and *Amsterdam*, who are in a strict League with one another, as if he had been Guilty of some notorious Crime, for which he was glad to make a very mean Submission.

This is the State of the Case as it stands upon the Books of the House, and is reported by our fashionable News-Writers; and I was in hopes some one would have taken care before this to set the Whole in a true Light; but since that hath hitherto, either through Fear or Remissness, been neglected, I thought it might be of publick Service to undertake it; both to vindicate the injured Gentleman, and to give the World a Sample of what we are to hope for from Men who, in the Infancy of Power, before it be strengthened by Time, and grown wanton with Success, dare act in so fragrant a manner.

The Report from the Committee of Ways and Means being before the House, Sir *William Whitlock*, who loves to be merry, and often makes others so, by accident said, That the present Parliament may truly be called the Representatives of the People, because it was fairly chosen, without Bribery, or the interposition of the Court, and even unbiass'd by that unwarrantable Proclamation by which the Parliament was call'd. Whether the Court-Party took this in an Ironical Sense or not, I cannot say; but so it was, the Speech gave great Offence, they were fir'd upon it, the Words were taken down, and poor Sir *William* was to be sent to the Tower. Old Sir *William* behav'd himself with his usual Spirit of Undauntedness; and tho' the Tower be but a cold Lodging for a Man of Fourscore, he did not seem to fear it, but yet did not refuse to explain himself, by addressing to the Speaker in these Words; Sir, I am not certain that I used the Word unwarrantable; but I will take upon me to say the Proclamation is an unprecedented one. And upon this the Heat for the present abated; and what appear'd Lenity in the House, was an apprehension how unpopular it would have been to have treated a Man of Sir *William's* Years and Character with roughness.

It happen'd in the Debate upon this Occasion, that Mr. Comptroller moved, that since that Proclamation gave Gentlemen Offence, a Day might be appointed to take it into Consideration.

seconded the Motion: But Mr. *Smith* opposed it, as being then irregular, because the House was already upon the Resolutions of the Committee; tho' at the same time he declar'd, that when *that* Business should be over, he would second any Gentleman who should make the aforesaid Motion.

Thus far Things went pretty well; the Business of the Day was pursu'd, and all Animosities seem'd to sleep: Altho' it was plain the Court-Party lay upon the Watch for an Opportunity to Sowse (as my L—d T—d expresseth himself) some Body. Nor were they long without what they wanted; for, it seems, in the late Debate, Mr. *Aislaby* had said, he would not have laid so great Stress on Sir *William Whitlock's* Words, if he had not observ'd that another Gentleman (meaning Sir *William Wyndham*) had on a former occasion reflected upon the Proclamation. Sir *William Wyndham*, who perceiv'd himself struck at, and desir'd to be set right in the Opinion of the House, at a proper time, frankly own'd he had in a former Debate declared, he thought the Proclamation to be *Dangerous*, and that he still was of the same Opinion; to justify which he renew'd the Motion for a Day to take the Proclamation into Consideration; and Mr. *Smith*, by seconding the Motion, very honourably acquitted himself of his late Promise.

Here now the Business was set in a right Channel, and there seem'd no room for Debate. A Motion was first made by a *Whig*, and seconded by a *Tory*; and afterwards the same Motion was made by a *Tory*, and seconded by a *Whig*; and both Sides might have agreed without further Contention.

Neither did the Reason of the Thing admit of a Dispute: For if the Proclamation was thought to be *Dangerous* by any Member, why should not he be allow'd to give his Reasons at a convenient Time, unless it was apprehended his Reasons might be too convincing? And if the Court-Party did not really think the Proclamation to be *Dangerous*, why did they not lay hold on this Opportunity of shewing the perverse querulous Spirit of their Antagonists? Let any one give a tolerable Account of this restiveness in them, and I shall be satisfied: Nay, I could be content with any thing but just what they gravely pretended, That it would be an Affront to the K—g for the Com-

mons to appoint a Day to consider his Proclamation.

The Truth is, the Court-Party did not like to have any Inquisition into their Proceedings: What they do must be swallow'd down, like Potions, implicitly, without straining, without examination. And although the *Whigs* pretend that Kings are accountable to their Subjects for their Actions, yet they will not allow any one Act of a Whig-Ministry to be touch'd, or so much as examin'd into.

So now, far from complying with Sir *William Wyndham's* Motion, they spring a new Design, and are resolv'd to humble him for his presuming to meddle with so Sacred Thing as a Proclamation. A Printed one they want, and it luckily falls out Lord *Finch* has one in his Pocket, which he pulls out, and they order to be read. Then Sir *William* is called upon to proceed immediately to make good, what term'd, his Charge upon the Proclamation: and he is given to understand, that if he doth not do this instantly, and to their full Satisfaction, he shall be answerable for his *Dangerous* Reflections.

Behold the State of the Question quite chang'd. Sir *W. Wyndham* from being Plaintiff is become Defendant; and instead of being allow'd a Day to prove his Proposition, he is frequently and loudly called upon to answer for his Presumption, and that immediately, upon the Spot, or let him take what follows.

This he conceiv'd unreasonable; nor was it to be imagin'd he could be prepar'd for the Encounter, the whole Debate happened by an Accident; so that he could not be expected to have Materials suitable to the Occasion. He offer'd it to the House, that, by the Privileges of the House, no Member can be called upon to Speak; That he apprehended it to be the Duty of every Member to lay before the House any Act of State, which appears in his Understanding to be Irregular or Dangerous; That the Expression he used was Parliamentary, and therefore that he was no more concerned in it than any other Member, much less answerable for it; That in point of Order, when any Member brings before the House a Matter of Consequence, he ought to have a Day appointed, if he requires it, to give the House the best Information he can therein. And then Sir *William* concluded, with insisting upon his Motion.

But



But it was in vain to urge all this, and a great deal more that was said by Gentlemen on the same Side. Nay, to prove the Proclamation, that was read, to be false Printed, and consequently not the King's. Still the louder Noise was for the Courtiers; and even Mr. Smith, who had misbehav'd by seconding Sir William's Motion, was now observed to turn Penitent, and to Chime in with great Warmth and much Eloquence, in his Way, against Sir William. How requisite is double Zeal and double Diligence at certain Junctures! though, after all, the false Step he made in seconding Sir William's Motion was not his Fault, because the Matter had not been concerted before-hand, and at that time he did not know on which Side it might be judged proper for him to be.

At length, after a long and hot Debate, Mr. Poultney became a Reconciler. He aggravated Sir William's Offence, as he termed it, to the highest degree: He declar'd Sir William to be within the Power of the House (which no body doubted) and at their Mercy (from which good Lord deliver us): He recommended Lenity and Moderation, and concluded with a Motion to Adjourn, *i. e.* to drop the Affair entirely. But this Sir William opposed with Warmth, *elating it to be still his Opinion*, that he had not exceeded the Duty of a Member, and therefore that he stood not in need of Mercy; and then insisted upon his Motion. Hereupon Mr. Poultney retracted his Lenity, and moved that the Question debated before might stand; which was put, and carried.

After which it was objected, that in point of Order no Member ought to be censured for Words by him spoken, unless the express Words had been particularly taken down before the Debate: Whereas here there had not only been a Debate, but also a Division of the House, since the offensive Words had been spoken. And this Point of Order the Honourable Speaker, when Appealed to, did declare to be as was open'd. Which Particular I own is no further essential, that as it shews that the known Rules of their own House were of as little Weight with them, as the Justice of Sir William's Cause, and of less weight with them nothing could be.

Sir William being now called upon from all Quarters to withdraw, and guessing where all their Lenity would terminate, desired the Sense

of the House might be known by a Question, whether he should withdraw or no? This he had a Right to demand, and was the only thing he had a Right to, that was demanded and not refused. So the Question was put, and the *Yeas* carried it by a great Majority. Accordingly, in Obedience to the House, Sir William withdrew; when, to the Consternation of the Courtiers, all those who had voted against his withdrawing, to the number of One hundred and thirty or thereabouts, rose from their Seats and went out along with him, resolving not to prostitute their Names to a House which proceeded with so little Temper, and so directly contrary to Justice, to the Rules of that House, and to the Liberties of *Englishmen*.

Upon which Occasion a Member of Note, who hath as few rash Words to answer for as any Man, and who had distinguish'd himself that Day in the Debate, could not forbear declaring, as I am well inform'd, That *the Liberties of England withdrew with them*; hereby intimating, that when a Majority of that House could act in so arbitrary a manner in that particular Case, he took the whole Community to be in danger. He likewise declared, that he once blamed Lord *Bolingbroke* for retiring, but now he could not help commending that Noble Lord's discernment, who foresaw he was likely to fall into Hands in which no Innocent Man could be safe.

After the withdrawing of the Members, the remaining Part of the House were afraid to run into the Extremities they at first designed with regard to Sir William Wyndham, because it is probable they saw they had gone too far already: But yet they came to the following Resolutions:

Resolved, That Sir William Wyndham having reflected upon His Majesty's Proclamation of the 15th of January last for Calling a new Parliament, and having refused to justify his Charge, although often called upon so to do, is guilty of a great Indignity to His Majesty, and of a Breach of the Privilege of this House.

Ordered, That Sir William Wyndham be (for the said Offence) reprimanded, in his Place, by Mr. Speaker.

Next Day, when the House was sate, the Speaker, after some little Discourse about Forms, rose up and spoke thus to Sir William Wyndham, who stood in his Place uncover'd.

Sir William Wyndham;

I am to acquaint you that the House has come to this Resolution, That you be Reprimanded in your Place by me.

You have presumed to reflect on His Majesty's Proclamation, and made an unwarrantable Use of the Freedom of Speech granted by His Majesty.

This House has made their Moderation appear, and shewn their Lenity, by laying the mildest Censure your Offence was capable of. I am ordered to Reprimand you, and do Reprimand you accordingly.

To which Sir William replied :

Sir, I return you my Thanks for what you have done by the Duty of your Office, in so Candid and Gentlemanlike a Manner : As I am a Member of this House, I very well know I must acquiesce in the Determination of the House.

But I am not conscious of any Indignity to His Majesty, or any Breach of the Privilege of this House, and therefore I have no Thanks to give those Gentlemen who, under Pretence of Lenity, have brought this Censure upon me.

Such was the Turn which this Affair took; and one may justly wonder both that it went so high, and that it went no higher. The Business was, the Court Party seemed to have been in a great hurry to do something before they were aware, and so were forced to make a halt to recover new Spirit. Neither did they act by concert : It was a random Spark which set them in a Flame; they proposed to make the most of it, and reckon'd upon a sure and compleat Conquest. But the unexpected Stand, which was made, broke their indigested Measures, and entirely disconcerted them. But now they seem resolved to make all up, and effectually to suppress any Spirit, whence they can apprehend future Opposition. They have upon the Anvil a Scheme well and maturely tempered, tempered by all Hands, Foreign and Domestick, and this is to do Wonders, to enlighten the Blind, punish the Wicked, reward the Sufferers, without one Dram of Honesty in the Composition.

Their Committee of Secrecy, the exact Copy of that in Forty One, is to finish the great Work they have at Heart. That was called the Close Committee, and was appointed for much the same Purpose that our Modern one is, had some of the same Names to adorn it, and the same Power : And as herein we have followed the Example of that Righteous Parliament, which was first flesh'd in the Blood of the Earl of Strafford, and afterwards in that of the Royal Martyr; which destroyed Episcopacy, and overturned the whole Laws : So it is likely we shall proceed; I hope not exactly in the same Steps, altho' we shall endeavour to keep as near our Original as we can.

That nothing fair can be expected from them, may be inferred from the care taken, that none, but such as are of the true Stamp, should be chosen of this Committee.

And it appears how well the Matter was managed, because upon the Ballot it was found that between Sir Richard Onslow, who had most Votes, Lord Conningsby who had the fewest, the difference was inconsiderable, Fifteen I think; a certain Sign that they did not leave to Chance the Nomination of those Men, who are to do the precious Work for them. Let any one compare the Steps taken by the Parliament in Forty One with what is now doing, and he will not be at a loss to find out the Compass by which we are steered.

So, once more for the good of the Republick, innocent Words must be mis-interpreted, unguarded Expressions strained and wrested, and Particulars, which have no manner of relation to each other, must be clapt together, compared and blended into Plots : Once more accumulated Treason must be brought forth to the Terror of all Well-wishers to the Church and Constitution; and Persecution in the Shape of a Committee, is to spread her Influence far and near.

*Sævit, & in lucem Stygiis emissa tenebris  
Pallida Tisiphone, morbos agit ante metumq;  
Inq; dies avidum surgens caput altius effert.*

FINIS.



y  
k  
se  
ne  
ne  
ne  
ne  
th  
of  
al  
nd  
ve  
ne  
as

n  
e  
be

es  
he

k  
ce  
do  
ne  
in  
by

bb  
ed  
ed  
res  
er  
ore  
to  
ch  
pe  
far